

## Dan Walsh

---

**From:** Dan Walsh  
**Sent:** Monday, November 6, 2023 10:12 AM  
**To:** 'Brother EL'  
**Cc:** Cheri Brown; Phillip Jackson  
**Subject:** RE: [EXT]Re: Hesed-El v. Bryson: Letter regarding Rule 26 Disclosures, Hearing Dates, Designation of Mediator, Deposition Dates, and Consent Order  
**Attachments:** Hesed-El v. Bryson, et al - Report on Status of Mediator Designation.pdf

Mr. Hesed-El:

I hope this email finds you well. I have not received a response to the below email. Pursuant to the Pretrial Order and Case Management Plan ("Pretrial Order") [Doc. 135], today is the deadline for filing with the Court the identity of the mediator for this matter. I have yet to receive a response to the below email. I request that you consent or otherwise respond to my proposed mediator in this matter by 5 pm today.

Pursuant to the Pretrial Order, "[i]f the parties are unable to agree upon a mediator, they shall file with the Court a report stating that they have been unable to agree upon a mediator and the reasons for such inability by November 6, 2023." I have drafted a report in the event you do not respond to this email and will be filing it with the Court if I do not receive a response by 5 pm. A copy of that draft report is attached to this email for your reference.

Thanks,  
Dan Walsh

Daniel H. Walsh  
Attorney | Roberts & Stevens, P.A.  
City Centre Building | 301 College Street, Suite 400, Asheville, NC 28801  
Office: 828-252-6600 | Direct: 828-210-6818  
[www.roberts-stevens.com](http://www.roberts-stevens.com)

---

**From:** Dan Walsh  
**Sent:** Thursday, November 2, 2023 10:40 AM  
**To:** 'Brother EL' <teamwork3@gmail.com>  
**Cc:** Cheri Brown <CBrown@roberts-stevens.com>; Phillip Jackson <PJackson@roberts-stevens.com>  
**Subject:** RE: [EXT]Re: Hesed-El v. Bryson: Letter regarding Rule 26 Disclosures, Hearing Dates, Designation of Mediator, Deposition Dates, and Consent Order

Mr. Hesed-El:

I can give you no assurances regarding the mediation proceedings.

You may recall that we mutually agreed on language in our second Certification of Initial Attorney's Conference [Doc. 117] stating that settlement is unlikely. However, Judge Metcalf nonetheless ordered that mediation must take place by March 20, 2024 [Doc. 135, pg. 8]. He also ordered that we must agree upon a mediator and file a document with the court stating the identity of that mediator by the start of next week: Monday, November 6, 2023. [Doc. 135, pg. 9].

To the extent that you wish to avoid unnecessary time expenditures and costs, Mr. Goldsmith is likely the best option, because his familiarity with this matter should result in a shorter mediation. If you consent to Mr. Goldsmith acting as mediator, I will file the attached PDF with the Court on or before the November 6 deadline.

Thanks,  
Dan Walsh

Daniel H. Walsh  
Attorney | Roberts & Stevens, P.A.  
City Centre Building | 301 College Street, Suite 400, Asheville, NC 28801  
Office: 828-252-6600 | Direct: 828-210-6818  
[www.roberts-stevens.com](http://www.roberts-stevens.com)

**From:** Brother EL <[teamwork3@gmail.com](mailto:teamwork3@gmail.com)>  
**Sent:** Monday, October 30, 2023 7:54 PM  
**To:** Dan Walsh <[DWalsh@roberts-stevens.com](mailto:DWalsh@roberts-stevens.com)>  
**Cc:** Cheri Brown <[CBrown@roberts-stevens.com](mailto:CBrown@roberts-stevens.com)>; Phillip Jackson <[PJackson@roberts-stevens.com](mailto:PJackson@roberts-stevens.com)>  
**Subject:** [EXT]Re: Hesed-El v. Bryson: Letter regarding Rule 26 Disclosures, Hearing Dates, Designation of Mediator, Deposition Dates, and Consent Order

Mr. Walsh,

I believe we addressed the Rule 26 and deposition via email. Please let me know if I'm mistaken there.

As for mediation, I'd need some assurances that we're not wasting our time before agreeing to pay the mediator's fee again. What's your thoughts on that?

On Mon, Oct 30, 2023 at 5:36 PM Dan Walsh <[DWalsh@roberts-stevens.com](mailto:DWalsh@roberts-stevens.com)> wrote:

Mr. Hesed-El,

Please see attached and respond at your earliest convenience.

Thanks,

Dan Walsh

Daniel H. Walsh

Attorney | Roberts & Stevens, P.A.  
City Centre Building | [301 College Street, Suite 400, Asheville, NC 28801](#)

Office: [828-252-6600](tel:828-252-6600) | Direct: 828-210-6818  
[www.roberts-stevens.com](http://www.roberts-stevens.com)